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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JIA YUE,

17 Defendant.
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Case No. 3:09-cr 00917-VRW

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE EVIDENTIARY
HEARING ON DEFENDANT'S MOTION
TO SUPPRESS AND RELATED
BRIEFING SCHEDULE**

Date: March 30, 2010
Time: 9:30 a.m.
Dept: Courtroom 6, 17th Floor
Judge: Chief Judge Vaughn R. Walker

Date Indict. Filed: September 17, 2009

Trial Date: To be determined

1 WHEREAS, the Court, by Order dated February 23, 2010 (Docket No. 46) ("Order"),
2 continued a hearing on Defendant Jia Yue's Motion to Suppress (Docket No. 30), which was
3 originally set for Wednesday, March 3, 2010, to Tuesday, March 30, 2010, at 9:30 a.m.; and

4 WHEREAS, the Court, by the same Order, ordered that Defendant may file a brief
5 regarding the Motion to Suppress by March 18, 2010, at 5:00 p.m.; and

6 WHEREAS, the Court, by the same Order, ordered that the Government may file a reply
7 brief regarding Defendant's Motion to Suppress by March 23, 2010, at 5:00 p.m.; and

8 WHEREAS, the Court, by the same Order, ordered the Government to establish by
9 declaration or otherwise, no later than 5:00 p.m. on March 18, 2010, that no evidence obtained
10 from the August 10, 2006 search of Johnson Mai's house was destroyed, as described by Order
11 dated February 4, 2010 (Docket No. 44), at 5:22-6:2; and

12 WHEREAS, Defendant and the Government have met and conferred and desire to
13 continue the hearing on Defendant's Motion to Suppress and to continue the deadlines for the
14 related briefs; and

15 WHEREAS, no party will be prejudiced by this continuance,

16 THEREFORE, it is stipulated by and between the Defendant and the Government that:

17 1. The evidentiary hearing on Defendant's Motion to Suppress shall be continued
18 until Wednesday, April 28, 2010, at 10:00 a.m.

19 2. Defendant may file a brief of no more than ten pages in support of the Motion to
20 Suppress by April 16, 2010, at 5:00 p.m.

21 3. The Government may file a reply brief of no more than ten pages in opposition to
22 the Motion to Suppress by April 21, 2010, at 5:00 p.m.

23 4. As described in the Order dated February 4, 2010, at 5:22-6:2, the Government is
24 directed to establish by declaration or otherwise, no later than by April 16, 2010, at 5:00 p.m.,
25 that no evidence obtained from the August 10, 2006 search of Johnson Mai's house was
26 destroyed.

1 The parties agree to this schedule and ask that it be so ordered by the Court.

2 SO STIPULATED.

3 Dated: March 12, 2010

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5 By: /s/ Aaron D. Wegner
6 AARON D. WEGNER
7 Assistant United States Attorney

8 Dated: March 12, 2010

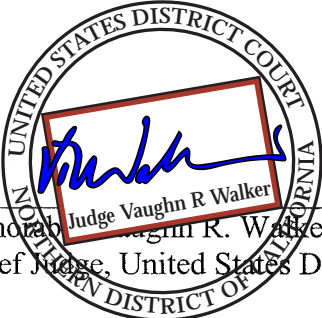
9 KEKER & VAN NEST LLP

10 By: /s/ Matan Shacham
11 ELLIOT R. PETERS
12 BROOK DOOLEY
13 GALIA A. PHILLIPS
14 MATAN SHACHAM
15 Attorneys for Defendant
16 JIA YUE

17 **ORDER**

18 **FOR GOOD CAUSE HEREBY FOUND, THE FOREGOING STIPULATION IS**
19 **APPROVED AND IS SO ORDERED.**

20 Dated: March 16, 2010

21 
22 Honorable Judge Vaughn R. Walker
23 Chief Judge, United States District Court

ATTESTATION OF CONCURRENCE IN FILING

I hereby attest that Aaron D. Wegner has concurred in the filing of this document.

/s/ Matan Shacham

MATAN SHACHAM